

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

KENNETH RAY ADKINS,

Plaintiff,

Case No. 1:03-CV-797

v

Hon. Hugh W. Brenneman, Jr.

BASIL WOLEVER,

Defendant.

ORDER

For the reasons more fully discussed at the Final Pretrial Conference held this date, plaintiff's motion in limine (docket no. 92) to preclude introduction at trial of the conviction records of the plaintiff and other prisoners, and to prevent introduction of plaintiff's prison disciplinary record, is GRANTED in part and DENIED in part as follows:

1. Defendant may identify prisoner witnesses as convicted felons and identify those felonies for which they are presently serving time in the Michigan Department of Corrections (MDOC);

2. Defendant may identify plaintiff as a convicted felon presently serving time in the MDOC, but may not identify the felonies for which he has been convicted since none are considered to involve dishonesty or fraud, and the court finds that any probative value of identifying the nature of those felonies is substantially outweighed by the danger of unfair prejudice to plaintiff. FRE 609(a). In the event it becomes apparent to the jurors that plaintiff was released from prison following this incident, but has been returned to prison, either party may point out, to avoid

confusion to the jurors, that he was subsequently convicted of a new felony and for that reason was returned to prison where he is today. Again, the parties shall not identify the nature of the plaintiff's felony convictions;

3. Defendant may not enter into evidence plaintiff's prison disciplinary record simply to establish plaintiff's character or traits of character in order to show that he acted in conformity therewith during the incident at issue. FRE 404(a).

IT IS SO ORDERED.

Dated: February 26, 2007

/s/ Hugh W. Brenneman, Jr.
Hugh W. Brenneman, Jr.
United States Magistrate Judge